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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,418	07/13/2001	Sunil Kulkarni	US 019011	4726

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EXAMINER

SUNG, CHRISTINE

ART UNIT PAPER NUMBER

2878

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

P.S

# Office Action Summary

Application No.

09/905,418

Applicant(s)

KULKARNI ET AL.

Examiner

Christine Sung

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-19 is/are rejected.
- 7) ☒ Claim(s) 14, 15, 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Thiel (US Patent 4,887,211).

Regarding claim 1, Thiel discloses an image processor comprising: a detector (Column 4, lines 35-39) that acquires event data; and image processor (element 28) that processes the even data to produce image data; an image data storage medium (element 28), which stores the image data. Further it is inherent that the apparatus includes an image data processor because the apparatus has the ability to format the image data for storage on the storage medium (column 5, lines 31-34).

Regarding claim 10, Thiel discloses an image processor that uses a nuclear camera system comprising: a detector (column 4, lines 35-39), used to acquire event data; an image processor (element 28) to process the event data to produce image data; acquisition controller (element 34) to control the detector; and a control data storage medium (see claim 4 and 5), coupled to the controller which stores control data.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 2-9, 11, 12, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiel (US Patent 4,887,211) in view of Rodriguez, et al. (US Pre Grant Publication 2002/0154146 A1).

Regarding independent claim 17, Thiel discloses an image processor that uses a nuclear camera system comprising: a detector (column 4, lines 35-39), used to acquire event data; an image processor (element 28) to process the event data to produce image data; acquisition controller (element 34) to control the detector; and a control data storage medium (see claim 4 and 5), coupled to the controller which stores control data. Thiel does not specify the use of xml format, but does not specify the type of image format. It is well known in the art as shown in Rodriguez et al. (see claim 4), to use an xml format for images so that the images can be modified for different types of applications with different formatting requirements. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have

used the xml format disclosed by Rodriguez with the invention disclosed by Thiel so that the data collected from Thiel's invention could be used in various formatting applications.

Regarding claims 2 and 11, Thiel discloses the limitations set forth in claims 1 and 10, but does not specify the type of image format. It is well known in the art, as shown in Rodriguez et al. (see claim 4), to use an xml format for images so that the images can be modified for different types of applications with different formatting requirements. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the xml format disclosed by Rodriguez with the invention disclosed by Thiel so that the data collected from Thiel's invention could be used in various formatting applications.

Regarding claim 3, the limitations set forth in claims 1 and 2 are disclosed above. Although the references do not explicitly state that the data format is self-descriptive, it is inherent in xml format that the data format is self-descriptive.

Regarding claim 4, 5 and 6, the limitations set forth in claim 3 are disclosed in the abovementioned paragraphs. Further, the claims disclose various descriptions of being self-descriptive. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the disclosed various formats with the invention as disclosed by Thiel in view of Rodriguez.

Regarding claims 7 and 8, all of these claims disclose the use of a pointer to point to an address of a file stored on the camera system, or a URL address where the image data definition may be found. Although the references do not explicitly state pointing to any of the aforementioned files, it would have been obvious that the image file could point to any of the aforementioned files. Since the image file points to a file storing definition of the image data

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format it could also point to a file stored on the camera system or a URL address. It would only be a matter of design choice as to where the image data would be sent because where the pointer is directed depends upon where the data is intended to be used, i.e. if it is desired to be viewed on a web page, a pointer to a URL address would be appropriate.

Regarding claim 9, the limitations set forth in claim 6 are described in the abovementioned paragraphs. Further, it is inherent when using an xml file to have the data file in the form of a ".xml" file and also to have the image data format file in a ".dtd" form. Both of these forms are inherent to xml type image files.

Regarding claim 12, the limitations set forth in claim 11 are described in the abovementioned paragraphs, however, it is well known in the art to display the control data used at the time of the data accumulation, such as protocol data, collimator data, isotope data, and energy window data. It is well known in the art in image collection applications to include control data, for example when x-ray images are taken, a tag including the control data is supplemented with the image to inform the user of the parameters used while acquiring the image data.

Regarding claim 13, the limitations set forth in claim 12 is described in the abovementioned paragraphs. Further, "protocols.xml, collimators.xml, isotope.xml and energywindowsets.xml" are all standard forms of the xml format.

Regarding claim 16, the limitations set forth in claim 13 is described in the abovementioned paragraphs. Further, the ".dtd," by xml definition, are pointed to by the xml files.

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6. Claims 18 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Thiel (US Patent 4,887,211).

Regarding claim 18, the limitations set forth in claim 17 are described in the abovementioned paragraphs. Further, it is obvious to one having ordinary skill in the art at the time the invention was made to couple a hard drive or some form of a storage medium with the invention disclosed by Thiel, so that the image information may be transferred or modified at a later time. It is well known in the art to have a storage medium to store images that have been processed.

Further, regarding claim 19, it is also obvious that if the image data files are stored, that the image data files are also accessible by user commands.

Further regarding claims 18 and 19, all of the functions disclosed in the aforementioned claims are inherent to a conventional computer processor.

#### *Allowable Subject Matter*

7. Claims 14, 15 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 14 and 15, none of the prior art of record discloses that the acquisition controller executes a script utilizing an xml format to control the acquisition of event data.

Regarding claim 20, none of the prior art of record discloses that the server executes scripts, which utilize xml control data files. Although some references disclose that the server initiates certain commands, but not utilizing xml control data files.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. US Patent 6,505,086- This reference discloses an xml sensor system including a server that initiates commands.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Sung whose telephone number is 703-305-0382. The examiner can normally be reached on Monday- Friday 7-4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 703-308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-0956 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

CS  
May 16, 2003

  
DAVID PORTA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800